

SECOND REGULAR SESSION
[P E R F E C T E D]
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SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 949
99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

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ADRIANE D. CROUSE, Secretary.

5339S.08P

AN ACT

To repeal sections 167.225, 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof three new sections relating to reading intervention in schools.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 167.225, 167.263, 167.268, and 167.645, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be known as sections
3 167.225, 167.263 and 167.450, to read as follows:

167.225. 1. As used in this section, the following terms mean:

2 (1) ["Blind persons", individuals who:

3 (a) Have a visual acuity of 20/200 or less in the better eye with
4 conventional correction, or have a limited field of vision such that the widest
5 diameter of the visual field subtends an angular distance not greater than twenty
6 degrees; or

7 (b) Have a reasonable expectation of visual deterioration; or

8 (c) Cannot read printed material at a competitive rate of speed and with
9 facility due to lack of visual acuity;

10 (2) "Braille", the system of reading and writing through touch [commonly
11 known as standard English braille];

12 [(3)] **(2)** "Student", any student who [is blind or any student eligible for
13 special education services for visually impaired as defined in P.L. 94-142] **has an**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 **impairment in vision that, even with correction, adversely affects a**
15 **child's educational performance and who is determined eligible for**
16 **special education services under the Individuals with Disabilities**
17 **Education Act.**

18 2. All students [may] **shall** receive instruction in braille reading and
19 writing as part of their individualized education plan **unless the individual**
20 **education program team determines, after an evaluation of the child's**
21 **reading and writing skills, needs, and appropriate reading and writing**
22 **media, including an evaluation of the child's future needs for**
23 **instruction in braille or the use of braille, that instruction in braille or**
24 **the use of braille is not appropriate.** No student shall be denied the
25 opportunity of instruction in braille reading and writing solely because the
26 student has some remaining vision.

27 3. Instruction in braille reading and writing shall be sufficient to enable
28 each student to communicate effectively and efficiently at a level commensurate
29 with [his] **the student's** sighted peers of comparable grade level and intellectual
30 functioning. The student's individualized education plan shall specify:

31 (1) How braille will be implemented as the primary mode for learning
32 through integration with normal classroom activities. If braille will not be
33 provided to a child who is blind, the reason for not incorporating it in the
34 individualized education plan shall be documented therein;

35 (2) The date on which braille instruction will commence;

36 (3) The level of competency in braille reading and writing to be achieved
37 by the end of the period covered by the individualized education plan; and

38 (4) The duration of each session.

39 4. As part of the certification process, teachers certified in the education
40 of blind and visually impaired children shall be required to demonstrate
41 competence in reading and writing braille. The department of elementary and
42 secondary education shall adopt assessment procedures to assess such
43 competencies which are consistent with standards adopted by the National
44 Library Service for the Blind and Physically Handicapped, Library of Congress,
45 Washington, D. C.

167.263. 1. A program to provide teacher assistants in regular classrooms
2 in grades kindergarten through three is established. For the purposes of this
3 section a "teacher assistant" is defined as a qualified person employed by a school
4 district to assist a certificated teacher in classroom instruction and management.

5 No teacher assistant shall be counted as a teacher for the purposes of
6 establishing ratios of teachers to pupils in a classroom, school or school
7 district. Any public elementary school containing such grades which meets the
8 criteria pursuant to this section shall be eligible for a state financial supplement
9 to employ teacher assistants. Eligibility criteria are that the school shall have
10 a breakfast program, the school shall serve at least forty percent of its lunches
11 to pupils who are eligible for free or reduced price meals according to federal
12 guidelines, and the school shall have a reading [intervention] **success** plan
13 [pursuant to section 167.268] **under section 167.450.**

14 2. A school district which contains such eligible schools may apply to the
15 department of elementary and secondary education for a state financial
16 supplement to employ teacher assistants in those schools named in the
17 application and in no other schools of the district. The state full-time equivalent
18 financial supplement shall be three thousand dollars per teacher assistant. No
19 more than one assistant per classroom shall be supplemented by the state
20 pursuant to this section. Teacher assistants thus employed pursuant to this
21 section shall assist teachers in grades kindergarten through three and in no other
22 grades. School districts shall not apply for or assign teacher assistants employed
23 pursuant to this section in classrooms designated as special education or
24 compensatory education classrooms.

25 3. The state board of education shall promulgate rules and regulations for
26 the implementation of this section. Such rules shall include identifying minimum
27 qualifications for teacher assistants which may include teacher education
28 students, determining the minimum number of pupils per classroom to be eligible
29 for a teacher assistant, establishing application procedures for school districts,
30 and determining a method of awarding state financial supplements in the event
31 that the number of applications exceeds the amounts appropriated therefor. No
32 rule or portion of a rule promulgated under the authority of this chapter shall
33 become effective unless it has been promulgated pursuant to the provisions of
34 section 536.024.

167.450. 1. For the purposes of this section, the following terms
2 **shall mean:**

3 **(1) "Dyslexia", the same as defined in section 633.420;**

4 **(2) "Evidence-based reading instruction", any research validated**
5 **program that has successful evidence to demonstrate adequate gains in**
6 **reading achievement where such evidence is objective data that any**

7 evaluator would identify and interpret similarly, valid data on the
8 tasks children need to accomplish to be successful readers, reliable
9 data that will remain essentially unchanged if collected on a different
10 day or by a different person, systematic data that is collected according
11 to a rigorous design of either observation or experimentation, and
12 referred data that has been approved for publication by a panel of
13 independent reviewers;

14 (3) "Structured literacy", evidence-based reading instruction that
15 addresses phonology, sound symbol association, syllable instruction,
16 morphology, syntax, and semantics. Structured literacy is taught
17 through systematic, cumulative, explicit, and diagnostic methods.

18 2. School districts and charter schools shall offer a reading
19 success plan to each K-3 student who exhibits a reading deficiency, is
20 identified as being at risk for dyslexia, or has a formal diagnosis of
21 dyslexia to ensure students can read at or above grade level by the end
22 of the third grade. The reading success plan shall be provided in
23 addition to core reading instruction that is provided to all students in
24 the general education classroom. The reading success plan shall:

25 (1) Be provided to all K-3 students identified with a reading
26 deficiency as determined by an approved local or statewide screening
27 assessment administered within the first thirty days of school for
28 students in grades first through third and by January thirty-first for
29 kindergarten students;

30 (2) Provide explicit and systematic instruction in phonological
31 awareness, phonics, fluency, vocabulary, and comprehension, as
32 applicable;

33 (3) Provide structured literacy reading instruction to any child
34 with a formal diagnosis of dyslexia or for a child that was found to be
35 at risk for dyslexia in the statewide dyslexia screening as established
36 in section 167.950;

37 (4) Monitor the reading progress of each student's reading skills
38 throughout the school year and adjust instruction according to the
39 student's needs; and

40 (5) Be implemented during regular school hours.

41 3. Any student in kindergarten or any grade not higher than the
42 third grade who exhibits a deficiency in reading at any time, based
43 upon local or statewide screening assessments, shall receive an

44 individual reading success plan no later than thirty days after the
45 identification of the reading deficiency. The reading success plan shall
46 be created by the teacher, other pertinent school personnel, and the
47 parents of the student, and shall describe the evidence-based reading
48 intervention services the student shall receive to remedy the reading
49 deficit. The individual reading success plan shall specify if the child
50 has a formal diagnosis of dyslexia or was found to be at risk for
51 dyslexia in the statewide dyslexia screening. Each student shall
52 receive intensive reading intervention until the student no longer has
53 a deficiency in reading.

54 4. The parent of any K-3 student who exhibits a deficiency in
55 reading at any time during the school year shall be notified in writing
56 no later than fifteen days after the identification of the reading
57 deficiency. Such written notification shall include the following:

58 (1) A statement that the parent's child has been identified as
59 having a deficiency in reading and that a reading success plan shall be
60 developed by the teacher or other pertinent school personnel, and the
61 parent;

62 (2) A description of the current services that are provided to the
63 child;

64 (3) A description of the proposed evidence-based reading
65 interventions and supplemental instructional services and supports
66 that shall be provided to the child that are designed to remedy the
67 identified area or areas of reading deficiency;

68 (4) A statement that the parent shall be informed in writing of
69 his or her child's progress toward grade-level reading on a quarterly
70 basis, at a minimum;

71 (5) Strategies that a parent is encouraged to use at home to help
72 his or her child succeed in reading.

73 5. Beginning with the 2020-21 school year, students who are not
74 reading at grade level by the end of the second grade shall receive
75 intensive reading intervention to remedy the student's specific reading
76 deficiency. The reading intervention services shall include effective
77 instructional strategies to accelerate student progress.

78 6. Each school district and charter school shall conduct a review
79 of student reading success plans for all students who are not reading
80 at grade level by the end of the second grade. The review shall address

81 additional supports and services, as described in this subsection, as
82 needed to remedy the identified area or areas of reading
83 deficiency. The district and charter school shall provide the following:

84 (1) Training shall be given to all K-3 teachers and instructors
85 about the screening assessments;

86 (2) A highly effective teacher of reading as demonstrated by
87 student reading performance data and teacher performance
88 evaluations;

89 (3) Reading intervention services and supports to correct the
90 identified area or areas of reading deficiency including, but not limited
91 to:

92 (a) More dedicated time than in the previous school year in
93 scientifically evidence-based reading instruction and intervention;

94 (b) Use of reading strategies or programs that are scientifically
95 evidence-based and have proven results in accelerating student reading
96 achievement within the same school year;

97 (c) Daily, targeted small group reading intervention based on
98 students' needs;

99 (d) Explicit and systematic instruction with more detailed
100 explanations, more extensive opportunities for guided practice, and
101 more opportunities for error correction and feedback;

102 (e) Frequent monitoring of the progress of each student's reading
103 skills throughout the school year and adjustment of the instruction
104 according to the student's needs; and

105 (f) A structured literacy reading success plan for any child with
106 a formal diagnosis of dyslexia or who has been identified as a student
107 at risk for dyslexia in the statewide dyslexia screening assessment
108 established in section 167.950;

109 (4) The option of a transitional instructional setting. Such
110 setting shall specifically be designed to produce learning gains
111 sufficient to meet grade level performance standards in all other core
112 academic areas while continuing to correct the area or areas of reading
113 deficiency;

114 (5) Before or after school supplemental evidence-based reading
115 intervention delivered by a teacher or tutor with specialized reading
116 training; and

117 (6) A "read at home" plan outline prepared for parents and legal

118 guardians along with suggestions for parent and legal guardian
119 participation in training workshops or regular parent-guided home
120 reading activities.

121 7. Each school district and charter school shall establish, where
122 applicable, an intensive acceleration class for any student not reading
123 proficient or above on the third grade state assessment. The intensive
124 acceleration class shall include criteria established in subsection 6 of
125 this section and:

126 (1) Have a reduced student-teacher ratio;

127 (2) Provide explicit and systematic evidence-based reading
128 instruction and intervention for the majority of student contact time
129 each day; and

130 (3) A structured literacy reading success plan for any child with
131 a formal diagnosis of dyslexia or who has been identified as a student
132 at risk for dyslexia in the statewide dyslexia screening assessment as
133 established in section 167.950.

134 8. Each school district and charter school shall provide summer
135 reading camps during summer school to all third grade students
136 scoring below proficient on the third grade statewide English language
137 arts assessment. Summer reading camps shall be staffed with highly
138 effective teachers of reading as demonstrated by student reading
139 performance data and teacher performance evaluations. The highly
140 effective teacher of reading shall provide explicit and systematic
141 evidence-based reading intervention services and supports to correct
142 the identified area or areas of reading deficiency. Summer reading
143 camps shall include, at a minimum, sixty hours of instructional time in
144 reading. If funding allows, school districts shall extend summer
145 reading camps to students in the first and second grades identified
146 with a reading deficiency.

147 9. Providers for the local and statewide screening assessment
148 required pursuant to subdivision (1) of subsection 2 of this section shall
149 be selected through a request for proposals process through the
150 department of elementary and secondary education. The department
151 shall publish the list of approved local and statewide screening
152 assessment providers.

153 10. The board of each school district and charter school shall
154 annually report in writing to the department of elementary and

155 secondary education by September first the following information on
156 the prior school year:

157 (1) By building, the number and percentage of all students in
158 third grade through eighth grade scoring below the proficient level on
159 the English language arts statewide assessment;

160 (2) By building, the number and percentage of all third grade
161 through eighth grade students in each demographic category scoring
162 below the proficient level on the English language arts statewide
163 assessment;

164 (3) By district, the number and percentage of all students in
165 third grade through eighth grade scoring below the proficient level on
166 the English language arts statewide assessment; and

167 (4) By district, the number and percentage of all third grade
168 through eighth grade students in each demographic category scoring
169 below the proficient level on the English language arts statewide
170 assessment.

171 11. The department of elementary and secondary education shall
172 establish a uniform format for school districts and charter schools to
173 report the information required under subsection 9 of this section. The
174 format shall be developed with input from school boards and shall be
175 provided to each school district and charter school no later than ninety
176 days prior to the annual due date. The department shall annually
177 compile the information required, along with state-level summary
178 information, and report such information to the state board of
179 education, the public, the governor, and the joint committee on
180 education by October first. Each school district shall post the data on
181 its website and in a visible location near the entrance of each
182 elementary building. The department shall provide technical
183 assistance to aid school boards in implementing this subsection.

184 12. The state board of education shall strongly recommend that
185 institutions of higher education and the department of elementary and
186 secondary education align literacy and reading instruction coursework
187 with knowledge and practice standards from the center for effective
188 reading instruction (CERI).

189 13. The state board of education shall have authority to enforce
190 this section and may do so with any means necessary at its discretion.

191 14. The department of elementary and secondary education shall

192 **promulgate rules to implement the provisions of this section. Any rule**
193 **or portion of a rule, as that term is defined in section 536.010, that is**
194 **created under the authority delegated in this section shall become**
195 **effective only if it complies with and is subject to all of the provisions**
196 **of chapter 536, and, if applicable, section 536.028. This section and**
197 **chapter 536 are nonseverable, and if any of the powers vested with the**
198 **general assembly pursuant to chapter 536 to review, to delay the**
199 **effective date, or to disapprove and annul a rule are subsequently held**
200 **unconstitutional, then the grant of rulemaking authority and any rule**
201 **proposed or adopted after August 28, 2018, shall be invalid and void.**

[167.268. 1. Each local school district shall have on file a
2 policy for reading intervention plans for any pupils of the district
3 in grades kindergarten through three pursuant to the provisions of
4 this section. Such plans shall identify strategies to be followed by
5 the district teachers to raise a pupil identified as reading below
6 grade level by recognized methods to reading at grade level by the
7 end of the third grade. Recognized methods of identification may
8 include but need not be limited to the scores of the pupil obtained
9 through any established standardized testing program currently
10 administered by the district, observations of classroom teachers,
11 and documented classroom performance.

12 2. The state board of education shall develop guidelines to
13 assist districts in formulating policies for reading intervention
14 plans. Such guidelines may include, but are not limited to,
15 timelines for measuring pupil improvement in reading, information
16 on screening for and treatment of auditory dyslexia, and
17 information on the Lindamood Auditory Conceptualization Test and
18 the Auditory Discrimination in Depth Program. Such guidelines
19 may also identify performance levels for pupils identified as
20 handicapped or severely handicapped and conditions under which
21 such pupils are exempt from the provisions of this section.

22 3. Each local school district enrolling a pupil identified as
23 reading below grade level shall develop an individual plan of
24 reading intervention for such pupil. The individual pupil's plan
25 may include individual or group reading development
26 activities. The plan may be developed after consultation with the

27 pupil's parent or legal guardian.]

2 [167.645. 1. For purposes of this section, the following
3 terms mean:

4 (1) "Reading assessment", a recognized method of judging
5 a student's reading ability, with results expressed as reading at a
6 particular grade level. The term reading assessment shall include,
7 but is not limited to, standard checklists designed for use as a
8 student reads out loud, paper-and-pencil tests promulgated by
9 nationally recognized organizations and other recognized methods
10 of determining a student's reading accuracy, expression, fluency
11 and comprehension in order to make a determination of the
12 student's grade-level reading ability. Assessments which do not
13 give a grade-level result may be used in combination with other
14 assessments to reach a grade-level determination. Districts are
15 encouraged but not required to select assessment methods
16 identified pursuant to section 167.346. Districts are also
17 encouraged to use multiple methods of assessment;

18 (2) "Summer school", for reading instruction purposes, a
19 minimum of forty hours of reading instruction and practice. A
20 school district may arrange the hours and days of instruction to
21 coordinate with its regular program of summer school.

22 2. For purposes of this section, methods of reading
23 assessment shall be determined by each school district. Unless a
24 student has been determined in the current school year to be
25 reading at grade level or above, each school district shall
26 administer a reading assessment or set of assessments to each
27 student within forty-five days of the end of the third-grade year,
28 except that the provisions of this subsection shall not apply to
29 students receiving special education services under an
30 individualized education plan pursuant to sections 162.670 to
31 162.999, to students receiving services pursuant to Section 504 of
32 the Rehabilitation Act of 1973 whose services plan includes an
33 element addressing reading or to students determined to have
34 limited English proficiency or to students who have been
35 determined, prior to the beginning of any school year, to have a
cognitive ability insufficient to meet the reading requirement set

36 out in this section, provided that districts shall provide reading
37 improvement plans for students determined to have such
38 insufficient cognitive ability. The assessment required by this
39 subsection shall also be required for students who enter a school
40 district in grades four, five or six unless such student has been
41 determined in the current school year to be reading at grade level
42 or above.

43 3. Beginning with school year 2002-03, for each student
44 whose third-grade reading assessment determines that such
45 student is reading below second-grade level, the school district
46 shall design a reading improvement plan for the student's
47 fourth-grade year. Such reading improvement plan shall include,
48 at a minimum, thirty hours of additional reading instruction or
49 practice outside the regular school day during the fourth-grade
50 year. The school district shall determine the method of reading
51 instruction necessary to enforce this subsection. The school district
52 may also require the student to attend summer school for reading
53 instruction as a condition of promotion to fourth grade. The
54 department of elementary and secondary education may, from
55 funds appropriated for the purpose, reimburse school districts for
56 additional instructional personnel costs incurred in the
57 implementation and execution of the thirty hours of additional
58 reading instruction minus the revenue generated by the school
59 district through the foundation formula for the additional reading
60 instruction average daily attendance.

61 4. Each student for whom a reading improvement plan has
62 been designed pursuant to subsection 3 of this section shall be
63 given another reading assessment, to be administered within
64 forty-five days of the end of such student's fourth-grade year. If
65 such student is determined to be reading below third-grade level,
66 the student shall be required to attend summer school to receive
67 reading instruction. At the end of such summer school instruction,
68 such student shall be given another reading assessment. If such
69 student is determined to be reading below third-grade level, the
70 district shall notify the student's parents or guardians, and the
71 student shall not be promoted to fifth grade. No student shall be

72 denied promotion more than once solely for inability to meet the
73 reading standards set out in this section.

74 5. The process described in subsections 3 and 4 of this
75 section shall be repeated as necessary through the end of the sixth
76 grade, with the target grade level rising accordingly. Mandatory
77 retention in grade shall not apply to grades subsequent to fourth
78 grade.

79 6. The mandatory process of additional reading instruction
80 pursuant to this section shall cease at the end of the sixth
81 grade. The permanent record of students who are determined to be
82 reading below the fifth-grade level at the end of sixth grade shall
83 carry a notation advising that such student has not met minimal
84 reading standards. The notation shall stay on the student's record
85 until such time as the district determines that a student has met
86 minimal reading standards.

87 7. Each school district shall be required to offer summer
88 school reading instruction to any student with a reading
89 improvement plan. Districts may fulfill the requirement of this
90 section through cooperative arrangements with neighboring
91 districts; provided that such districts shall timely make all
92 payments provided pursuant to such cooperative agreements.

93 8. A school district may adopt a policy that requires
94 retention in grade of any student who has been determined to
95 require summer school instruction in reading and who does not
96 fulfill the summer school attendance requirement.

97 9. Nothing in this section shall preclude a school district
98 from retaining any student in grade when a determination is made
99 in accordance with district policy that retention is in the best
100 interests of the student.

101 10. The state board of education shall not incorporate
102 information about the number of students receiving additional
103 instruction pursuant to this section into any element of any
104 standard of the Missouri school improvement program or its
105 successor accreditation program; provided, however, each district
106 shall make available, upon the request of any parent, patron, or
107 media outlet within the district, the number and percentage of

108 students receiving remediation pursuant to this section. The
109 information shall be presented in a way that does not permit
110 personal identification of any student or educational personnel.

111 11. Each school district shall make a systematic effort to
112 inform parents of the methods and materials used to teach reading
113 in kindergarten through fourth grade, in terms understandable to
114 a layperson and shall similarly inform parents of students for
115 whom a reading improvement plan is required pursuant to this
116 section.]

Unofficial ✓

Bill

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